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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG 15 AM 9:56
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Francisco GALVAN-Munoz** Defendant.	Magistrate Case No. '08 MJ 2524 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 10, 2008,** within the Southern District of California, defendant, **Francisco GALVAN-Munoz**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
SIGNATURE OF COMPLAINANT
Immigratin Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **August 2008.**

[signature]
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On August 10, 2008, the defendant identified as, **Francisco GALVAN-Munoz**, was arrested by the California Highway Patrol for violation of California Vehicle Code Section 23152(A), "Driving Under the Influence of Alcohol/Drugs". The Defendant was booked into San Diego jail where an Immigration Enforcement Agent (IEA) with Immigration Customs Enforcement (ICE), determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody.

On August 14, 2008, the defendant was referred from local custody to the custody of ICE San Diego, California. An IEA reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on October 27, 1997; and removed to Mexico on that same day via the Calexico, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Francisco GALVIN-Munoz, a citizen and national of Mexico.